(1) Supreme Court, U.S.
FILED
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No. _____
OFFICE OF THE CLERK

In The

SUPREME COURT OF THE UNITED STATES

♦

HARRY W. VINSON
Petitioner

v.

REGGIE COLLUMS, ET AL

Respondents

♦

On Petition For Writ Of Certiorari To The
United States Court of Appeals For
The Fifth Circuit

♦

PETITION FOR WRIT OF CERTIORARI

♦

Harry W. Vinson
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in propria persona

15 pp

QUESTION PRESENTED

Can the Federal District Court or The Court of Appelas reduce the time for filing appeals as allowed by the Federal Rules of Civil Procedure.

OTHER PARTIES TO PROCEEDING

Other parties to the proceeding not listed on cover are; United States Fidelity and Guaranty Company; John Pennebaker; Great River Insurance Company; William (Bill) Benson; and State Farm Fire and Casualty Company.

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PETITION FOR WRIT OF CERTIORARI

Petitioners Harry W. Vinson prays that a writ of certiorari issue to review the decision of the Federal District Court and The Fifth Circuit Court of Appeals wherein the courts decided an important federal question, ***right to appeal,*** in a way that conflicts with the Federal Rules of Civil Procedure.

OPINIONS BELOW

IN RE: *Harry Vinson vs Reggie Collums, et al,* United States District Court For The Northern District of Mississippi Eastern Division, No. 99 CV305-B-D Order denying petition to rehear May 8, 2000 [App. 1 - 2]

IN RE: *Harry Vinson; vs Reggie Collums,* et al, The United States Court of Appeals, No. 00-60358, order affirming district court decision July 27, 2000. [App. 3 - 4]

IN RE: *Harry Vinson; vs. Reggie Collums, et al,* Fifth Circuit Court of Appeals, denying petition for rehear, No. 00-60358, September 1, 2000. [App. 5]

JURISDICTION

The Fifth Circuit Court of Appeals entered an order July 27, 2000 and Petitioner's petition for rehearing was denied September 1, 2000. The Petition for Writ of Certiorari was timely filed 17

November, 2000. The jurisdiction of this court is invoked under USC § 1251(b)(2); U.S.A. Constitution Article III Section 2; Supreme Court of The United States Rule 10(a).

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CONSTITUTIONAL PROVISIONS

USA Constitution Bill of Rights
AMENDMENT XIV ...
"due process of law; nor deny to any person within its jurisdiction the equal protection of the laws".

———♦———

STATEMENT OF THE CASE

Petitioner filed a 42 U.S.C. §1983 claim against the Respondents for violations of his United State Constitutional Bill of Rights Article 1, Religious Rights; XIV Amendment, due process and equal protection of the law; and Article I Section 10 , laws impairing obligation of contract. Petitioner was denied opportunity for discovery to prove the complaint in the U S District Court For The Northern District of Mississippi, F.R.C.P. Rules 26 - 37 and Conley v Gibson, 355 U.S. 41. A series of respondent's motions for protective orders, dismissal and stay of discovery were filed and objected to by Petitioner, admissions and productions were filed and depositions noticed by Petitioner most of which were never ruled upon or

adjudicated by the Federal District Court. Without the opportunity to prove or disprove the alleged immunity defenses of the Respondent Clerks, the Federal District Judge arbitrarily dismissed the case against the Respondent Clerks. The Respondent Insurance Carriers moved the court for extensions of time to respond which was granted. Respondent Insurance Carriers then moved the court to join Respondent Clerk's motion to dismiss which had already been granted and reconsideration asked for.

A series of motions to amend the orders filed by all Respondents ensued along with other motions for relief. A final amended order was entered May 8, 2000 with memorandum by the Federal District Court Clerk on May 11, 2000.

In all the amendments and changes by the Federal District Court, Petitioner filed a Notice of Appeal from an order dated April 6, 2000. This final order was later amended and filed May 8, 2000, therefore the Notice of Appeal dated May 9, 2000 was timely filed and perfected within the 30 day time pursuant to F.R.C.P. Rule 4, in fact was filed within one day.

On appeal to the Fifth Circuit Court of Appeals, the Appellate Court held that the appeal was not timely filed relying upon the order dated April 6, 2000 even though it was amended and filed May 8, 2000, therefore the Court of Appeals in ignoring F.R.C.P. Rule 4, 28 USC §2072 and Petitioner's constitutional due process and equal protection of the laws, XIV Amendment. Petition for rehear was denied.

REASON FOR GRANTING THE PETITION FOR WRIT OF CERTIORARI

A. SUMMARY OF THE ARGUMENT:

Petitioner has the right of appeal which is most easily understood when following F.R.C.P. Rule 4. This substantive right is further guaranteed by Congress 28 U.S.C. §2072 and the due process clause of the United States Constitution.

B. ARGUMENT:

Substantive rights have been guaranteed to the citizens of the United States by the Constitution of the United States, acts of congress and the Federal Rules of Civil Procedure. When a court of appeals totally ignores these rights, it no longer acts as appellate review but then acts on its own accord, further eroding due process and equal protection of the laws.

CONCLUSION

The Supreme Court of The United States has an affirmative duty to secure the citizen's rights. A crucial and persuasive method in securing these rights is through the Supreme Court's supervisory powers. Therefore this court should grant a the petition for writ of certiorari to correct the appellate court for the benefit of all citizens.

Respectfully submitted,
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New Albany, MS 38652
(662) 534-2424

November 2000
August 2000

IN THE UNITED STATES FEDERAL DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI

No. 1:99CV305-B-D

HARRY W. VINSON PLAINTIFF

vs.

REGGIE COLLUMS, ET AL DEFENDANTS

ORDER

This cause comes before the court upon motion of the plaintiff entitled "Petition to Reconsider and Set the Order Aside." The Plaintiff requests that the court reconsider and set aside its order dated April 12, 2000. The court having reviewed the plaintiff's "petition" finds that it is in effect a motion to reconsider pursuant to Rule 59(e), which allows for altering or amending of judgments. Upon due consideration of the plaintiff's "petition" the court finds that the plaintiff has failed to bring forth any evidence of: 1) an intervening change in controlling law, 2) the availability of new evidence not previously available, or 3) the need to correct a clear error of law or prevent manifest injustice, as required for reconsideration[1], but is merely rearguing prior positions, which have repeatedly been placed before the court; and thus, the court finds that reconsideration is not proper.

Accordingly, it is so ORDERED that the plaintiff's petition to reconsider and set the order aside is DENIED.

THIS, the 5th day May (D.H.), 2000.

/s/ Neal Biggers, Jr.
Chief Judge

File date: 8 May 2000

[1] **Atkins v Marathon LeTourneau Co., 130 F.R.D. 625 (S.D. Miss. 1990)**

IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 00-60358

HARRY W. VINSON APPELLANT

vs.

REGGIE COLLUMS, ET AL APPELLEES

Appeal from the United States District Court for the Northern District of Mississippi

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Before WIENER, EMILIO M. GARZA, and PARKER, Circuit Judges.

BY THE COURT:

IT IS ORDERED the motion of appellee State Farm Fire and Casualty Company to dismiss State Farm as a party to appeal is granted.

IT IS FURTHER ORDERED that the joinder motion of appellee Great River Insurance Company to dismiss Great River as a party to appeal is granted.

IT IS FURTHER ORDERED that the motion of appellees Reggie Collums, John Pennebaker, and William (Bill) Benson to dismiss appeal for lack of jurisdiction is granted.

IT IS FURTHER ORDERED that the joinder motion of appellee United States Fidelity and Guaranty Company to dismiss appeal for lack of jurisdiction is granted.

Clerk, U.S. Court of Appeals, Fifth Circuit
by Latonga Grant
Deputy
New Orleans, Louisiana

File date: July 27, 2000

IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 00-60358

HARRY W. VINSON APPELLANT

vs.

REGGIE COLLUMS, ET AL APPELLEES

Appeal from the United States District Court for the Northern District of Mississippi

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Before WIENER, EMILIO M. GARZA, and PARKER, Circuit Judges.

BY THE COURT:

IT IS ORDERED that appellant's motion for reconsideration of the Court's order of July 27, 2000 is denied.

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File Date: September 1, 2000